



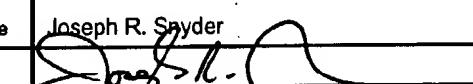
AF 11614 JTR

TRANSMITTAL FORM <i>(To be used for all correspondence after initial filing)</i>		Application Number	09/842,547
		Filing Date	April 26, 2001
		First Named Inventor	Michael A. Adams
		Art Unit	1614
		Examiner Name	John D. Pak
Total Number of Pages in This Submission	1	Attorney Docket Number	10692V-0000520US

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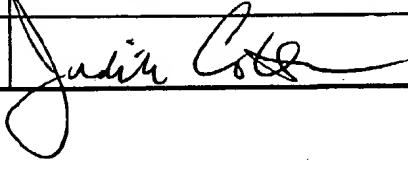
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Townsend and Townsend and Crew LLP Joseph R. Snyder	
Signature		
Date	October 20, 2004	

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Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1. (currently amended) A method for inhibiting a malignant cell phenotype in a subject, said method comprising: administering to cells a low dose of a nitric oxide mimetic, wherein said low dose is 3 to 10,000 fold lower than a dose of said nitric oxide mimetic that produces vasodilation, and wherein said low dose does not induce substantial tolerance.

2. (canceled)

3. (currently amended) The method of claim 1 [[or 2]] wherein administration of the nitric oxide mimetic inhibits metastases and development of resistance to antimalignant therapeutic modalities in the cells.

4. (currently amended) The method of claim 1 [[or 2]] wherein administration of the nitric oxide mimetic inhibits development of a more aggressive malignant cell phenotype in the cells upon administration of an anti-VEGF agent.

5. (currently amended) The method of claim1 [[or 2]] wherein administration of the nitric oxide mimetic inhibits development of a malignant cell phenotype in cells exposed to factors which lower cellular nitric oxide mimetic activity.

6-7. (canceled)

8. (cancelled)

9-12. (canceled)

13. (currently amended) A method for inhibiting a malignant cell phenotype in an animal, said method comprising: administering to said animal in need thereof a low dose of a

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REMARKS/ARGUMENTS

Claims 1, 3-5, 13, 16-19, 22, and 33-34 are pending in this application and presented for examination. Claims 2, 8 and 35-40 have been canceled without prejudice or disclaimer. Claims 1, 3-5, 13, 19 and 33 have been amended. No new matter has been introduced with the foregoing amendments. Reconsideration is respectfully requested.

Applicants gratefully acknowledge the withdrawals of rejections under 35 U.S.C. §112, first paragraph; 35 U.S.C. §102(a); and 35 U.S.C. §103(a).

I. FORMALITIES

Claims 1, 13 and 19 have been amended to clarify that "the low dose does not induce substantial tolerance". Support for the amendment to the claims is found, for example, on page 15, line 8. Further, claim 1 has been amended to set forth that the cells are in a subject. Support for such amendment is found for example, in claim 2.

Claim 33 has been amended to clarify that "the low dose is 3 to 10,000 fold lower than a dose of the nitric oxide mimetic that produces vasodilation". Support for the amendment is found, for example, on page 11, line 33 bridging to page 12, line 5. Thus, no new matter has been introduced. As such, Applicants respectfully request that the amendments to the claims be entered.

II. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

Claims 1-5, 8, 13, 16-19, 22 and 33-40 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action indicates that amended claims 1-5, 8, 13, 16-19 and 22 recite or read on "low dose is 3 to 10,000 fold lower than a dose of said nitric oxide mimetic that produces vasodilation". The Examiner considers this a somewhat indefinite claim feature primarily because of the term "vasodilation". The Examiner argues that vasodilation is widening of the lumen of any blood vessel and since blood vessels supply blood to tumor cells, the claim feature is allegedly indefinite. To the extent the